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OLC 78-0982
6 April 1978

MEMORANDUM FOR THE RECORD

SUBJECT: NFIB Representatives' Meeting on Intelligence
Community Procedures to Deal with Oversight
Committee Requests on Agreements with Liaison
Services

1. [] On 5 April 1978, I accompanied []
OGC, Eloise Page, C/PCS/DDO, and a representative of OSO,
to a meeting of NFIB representatives chaired by []
[] SA-D/DCI/RM, in the Resource Management Staff
offices, Room 1S06 from 10:00 until 11:45 a.m. Attending
from other government agencies were representatives of
DOD, DIA, JCS, Air Force Intelligence, Navy Intelligence,
Army Intelligence, NSA and FBI--in addition to CIA and
DCI representatives.

2. [] handed out a draft working paper
outlining the problem and attempting to set forth procedures
for dealing with future oversight committee requests on
liaison agreements. The paper was discussed, several
suggestions were made, and [] will provide all
attendees with a revised version of his memorandum on
6 or 7 April. There will be a follow up meeting on 11 April
at 2:00 at Resource Management Staff offices to discuss the
re-draft of [] paper.

3. [] In essence, [] working paper proposes
that Intelligence Community agencies will provide only the
following information to oversight committees: (1) name of the
country in which liaison is conducted; (2) the amount of
money, manpower, and/or equipment provided to unnamed liaisons
within the countries in touch and (3) where appropriate, resumes
of the kinds of intelligence produced by this liaison relationship.
In the event that Committee questioning were to go beyond these
limitations, reference would be made to the DCI for determination
on subsequent handling.

4. [] Clearly, oversight committees will be able to obtain
information on individual liaison agreements when they need
such information. What this agreement on procedures is intended to
accomplish is to preclude providing oversight committees with

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comprehensive lists in considerable detail on individual as well as collective liaison relationships from various Intelligence Community members on the totality of their world-wide liaison relationships.

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5. [] Once we have at least a preliminary Intelligence Community concurrence in the kind of procedural outline that we wish to follow, the next two steps will be to: (1) obtain the DCI's basic concurrence and (2) to initiate dialogue particularly with the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence on the acceptability of these procedures.

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6. [] All in all this was a constructive and useful first step in attempting to come to grips with a complex problem that is not going to go away.

[]

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Assistant Legislative Counsel

Distribution

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Attachment;

Attached hereto is the redraft of the working paper referred to in paragraph 2

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INTELLIGENCE COMMUNITY STAFF
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NOTE FOR MEMBERS OF THE NFIB TASK GROUP ON "GUIDANCE"

Attached is a new working draft of the proposed DCI guidelines for responding to inquiries from congressional committees on arrangements and relationships with foreign intelligence and security services.

This is a major re-do of the paper you reviewed and commented informally on at our meeting of 5 April.

It is requested you be prepared to comment on the attached draft and propose any changes you consider should be made at our next meeting in Room 1S06, Community Headquarters Building, 1724 F Street, at 1400 hours on Tuesday, 11 April.



Chairman

Attachment:
Draft

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Guidelines for Reporting to the Congress on Intelligence
Liaison with Foreign Governments

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3. ☐ This memorandum does not deal with intelligence agreements reportable to the Congress under the Case Act (P.L. 94-403, 1 U.S.C. 112b). The Case Act requires that all international agreements other than treaties be submitted by the Secretary of State to the Congress no later than 60 days after their entry into force. Criteria and procedures are already well established for review by the Department of State of each arrangement with a foreign intelligence or security service to determine whether it constitutes an agreement which is to be reported under the Case Act. Information on intelligence agreements that has been reported in compliance with the Case Act is available, upon request, to the intelligence oversight committees of the Congress and should be provided under the same arrangements applicable to the Case Act reporting.

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4. ☐ Because arrangements and relationships with foreign intelligence and security services frequently involve sensitive sources and methods, direct responses to requests concerning such relationships should be made only to the Congressional oversight committees--the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate--and to the House and Senate Appropriations Committees. It is recognized that the Appropriations Committees may request information needed to justify specific budget items relating to implementation of the U.S. portion of a particular arrangement. Any inquiries concerning such arrangements and relationships received by any organization of the Intelligence Community from other committees of the Congress should be referred to the appropriate oversight committee.

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25X1 5. ☐ Provision to a congressional committee of information concerning any arrangement with a particular foreign intelligence or security service normally will be the responsibility of the head of the department or agency of which the U.S. intelligence organization sponsoring the relationship is a part.

a. Inquiries received by any entity of the Intelligence Community concerning an arrangement for which that particular entity is not the sponsor should be referred to the head of the department or agency that includes the organization that sponsored the arrangement.

b. Requests for information concerning liaison involving clandestine intelligence activities outside the United States or relationships with foreign clandestine services should be referred to the DCI for reply.

25X1 6. ☐ Response to a request for a listing of agreements with foreign governments should be limited, if possible, to those agreements reported to the Congress under the Case Act. There are no other "agreements." Any reporting which constitutes a listing of arrangements and relationships going beyond agreements to which the Case Act applies should carefully indicate that what is being reported are informal arrangements on which some documentation exists, but which do not meet the established criteria for categorization as an international agreement.

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7. ☐ To the maximum extent feasible, responses to inquiries concerning arrangements and relationships with foreign intelligence and security services should be presented orally and off the record under arrangements that provide the necessary security protection.

a. Such responses, properly classified, should be limited to the following information:

(1) Identification of the foreign country and, if relevant, the foreign military service involved;

(2) Identification of the U.S. department or agency directly involved, but not the specific office or field unit that conducts the actual liaison;

(3) If required in support of a budget presentation, identification of the U.S. manpower and funds, and relevant data on U.S. equipment, if any, involved in implementation of the arrangement.

(4) Where relevant, a summation of the foreign intelligence or counterintelligence acquired as a result of the liaison activities.

b. The information provided to the Congress is not to include:

(1) Details of the liaison arrangements;

(2) Information concerning the sources and methods of the foreign service, knowledge of which is obtained through the liaison or through jointly controlled sources;

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(3) Data on the sources and methods utilized by the U.S. intelligence organization involved; or

(4) Information the release of which would violate the trust on which official liaison relationships are necessarily based.

c. In the event of substantial allegations of improper activities on the part of the foreign service with which liaison or support arrangements are being maintained, every effort will be made to provide all relevant information bearing on the allegations. Where this would involve departure from the guidelines listed in b. and c. above, the problem should be referred to the DCI, who will be prepared to meet with the chairman or vice chairman of the requesting committee to see a satisfactory solution.

25X1 8. ☐ Arrangements and relationships with foreign intelligence and security services represent an important element of the sensitive sources and methods of the Intelligence Community. Information obtained through these means contributes importantly to the effectiveness of the intelligence activities of the United States, but the continuing cooperation of foreign intelligence services will depend in considerable part on protection of the confidentiality of the relationships involved. The foregoing guidelines are intended to provide a baseline that will enable U.S. intelligence organizations to respond to congressional needs for information in this highly sensitive area.

STANSFIELD TURNER

INTELLIGENCE COMMUNITY STAFF
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